

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

KENNETH LEO BUHOLTZ	§	
VS.	§	CIVIL ACTION NO. 1:16-CV-320
BART CARROLL, <i>et al.</i> ,	§	

MEMORANDUM OPINION REGARDING VENUE

Plaintiff, Kenneth Leo Buholtz, a prisoner currently confined at FCI Petersburg, proceeding *pro se*, brings this civil rights action pursuant to 42 U.S.C. § 1983 against defendants Bart Carroll, Child Protective Services (“CPS”) Investigator, Delia Guillarmondegui, CPS Supervisor, John Spacia, Collin County Commissioner, Billy Lanier, Collin County Deputy Sheriff, Terry Box, Collin County Sheriff, and Ken Paxton, Texas Attorney General. Plaintiff brings suit against these defendants for money damages relating to their involvement in a CPS and police investigation concerning two minor children, LSB and JCG. Plaintiff claims he is the guardian ad litem of the two minor children.

The above-styled action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636 and the Local Rules for the Assignment of Duties to the United States Magistrate Judge for findings of fact, conclusions of law, and recommendations for the disposition of the case.

Discussion

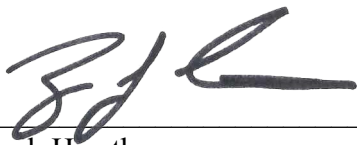
Venue in a civil rights action is determined pursuant to 28 U.S.C. § 1391(b). When, as in this case, jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides

that venue is proper only in the judicial district where all the defendants reside or in which a substantial part of the events or omissions giving rise to the claim occurred.

Plaintiff complains of actions (or inactions) taken by the defendants as they relate to a CPS and police investigation in Collin County, Texas. It would, therefore, appear a substantial part of the events or omissions giving rise to his claims occurred in the Eastern District of Texas, Sherman Division. Venue, therefore, is not proper in the Eastern District of Texas, Beaumont Division.

When venue is not proper, the court “shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. 1406(a). Plaintiff’s claims should be transferred to the Eastern District of Texas, Sherman Division. An appropriate order so providing will be entered by the undersigned.

SIGNED this 26th day of September, 2016.



Zack Hawthorn
United States Magistrate Judge